LAW AND PARLIAMENTARY AFFAIRS SECRETARIA

Notification No. LAW 9 LCA 76

Bangalore, dated the 19th March 1976.

Ordered that the Departmentalisation of Union Accounts (Transfer of Personnel) Ordinance, 1976 (No. 2 of 1976) published in Part II, Section 1 of the Gazette of India, Extraordinary dated 1st March 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,

Under Secretary to Government.

72 *Department of Law and Parly. Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st March , 1976/Phalguna 11, 1897 (Saka)

THE DEPARTMENTALISATION OF UNION ACCOUNTS (TRANSFER OF PERSONNEL) ORDINANCE, 1976

No. 2 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

An Ordinance to provide for the transfer of officers serving in the Indian Audit and Accounts Department to any Ministry, Department or office of the Central Government for facilitating the efficient discharge by such Ministry, Department or office of the responsibility in connection with compiling the accounts thereof.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action :

NOW, THEREFORE, in exercise of the powers conferred by clause (1 of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. (*1*) **Short title and commencement.** —This Ordinance may be called the Departmentalisation of Union Accounts (Transfer of Personnel) Ordinance, 1976.

(*2*) It shall come into force at once.

2 (1) **Transfer of officer and employees of the Indian Audit and Accounts Department** —Where the President has, by order under the first proviso to sub-section (*1*) of section 10 of the Comptroller and Auditor-General's (Duties, Powers and Conditions of service) Act 1971 (56 of 1971) provided for relieving, with effect from any date (hereinafter referred to as the prescribed date), the Comptroller and Auditor-General from the responsibility for compiling any accounts of the Union or of any services or departments of the Union as may be specified in such order, than, subject to the provisions of this Ordinance, it shall be lawful for the Central Government, on the advice of a Committee established under sub-section (2), to transfer, by order and with effect from such date or dates (which may be either retrospective to any date not earlier than the prescribed date or prospective) as may be spacified in the order, to any Ministry, Department of the Central Government or any of its attached or subordinate offices, any of the officers or employees serving in the Indian Audit and Accounts Department, for the purpose of facilitating the efficient discharge by such Ministry, Department or office of the responsibility of compiling such accounts :

Provided that no order under this sub-section shall be made in relation to any such officer or employee serving in the Indian Audit and Accounts Department who has, in

respect of the proposal made on the advice of the Committee to transfer such officer or employee under this sub-section, intimated, within such time as may be specified in this behalf, his unwillingness to be so transferred, unless the Central Government is of opinion that it is necessary in the public interest to transfer such officer or employee as aforesaid :

Provided further that nothing in this sub-section shall affect the right of any such officer or employee to resign or retire from service in accordance with the rules applicable to him in the Indian Audit and Accounts Department.

(2) The Central Government may, by order, establish one or more Advisory Committees consisting of such number of members as it thinks fit for the purpose of assisting it in regard to the transfer of officers and employees under sub-section (1)

(3) An officer or other employee transferred to any Ministry, Department or Office of the Central Government by an order made under sub-section (1) shall, on and from the date of transfer, cease to be an Officer or employee in the Indian Audit and Accounts Department and shall subject to the provisions of sub-section (4) and of any law or rules made under Chapter I of Part XIV of the Constitution, hold Office in such Ministry, Department or Office with such designation as the Central Government may specify.

(4) Every Officer or employee transferred under sub-section (1) shall be entitled to be appointed to a post carrying a scale of pay not less favourable than that of the post which he held immediately before the date of such transfer and in the same capacity (whether substantive or officiating) in which he held the post last mentioned

Provided that if immediately before the date of such transfer any such Officer or employee is officiating in a higher post in the Indian Audit and Accounts Department either in a leave vacancy or in any other vacancy of a specified duration, his pay, on transfer, shall be protected for the unexpired period of such vacancy.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.